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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2193

Introduced by Assembly Member Lara

February 23, 2012

An act to amend Section 52059 of, and to add Sections 313.1, 313.2, and 313.3 to, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2193, as amended, Lara. Long-term English learners.

(1) Existing law requires the State Department of Education to establish a statewide system of school support for school districts, county offices of education, and schools in need of improvement and requires the system to consist of regional consortia, school district assistance and intervention teams, and other technical assistance providers. ~~Existing law requires this system to provide assistance on the design and operation of the instructional program. Existing law requires standards and criteria developed by the Superintendent of Public Instruction for use in providing assistance to include the alignment of curriculum, instruction, and assessments to state standards.~~

This bill would require the *support and technical* assistance provided ~~on the design and operation of the instructional program to target by~~

the regional consortia to address the needs of pupils not meeting the federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners. The bill would require that the alignment of curriculum, instruction, and assessments to state standards to target pupils not meeting the federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners. By requiring the regional consortia to provide support in a manner that addresses the needs of these pupils, this bill would impose a state-mandated local program.

The bill would define “long-term English learner” and “English learner at-risk of becoming a long-term English learner.”

(2) Existing federal law requires local educational agencies to inform the parents of limited-English-proficient pupils of certain information regarding the language instruction of their children.

This bill would add to the information required by the federal law by requiring a school district, charter school, and county office of education to notify a parent or guardian of an English learner of whether their child is, or is at-risk of becoming, a long-term English learner. By requiring a school district, charter school, and county office of education to include this additional information in the notice provided to parents, the bill would impose a state-mandated local program.

(3) Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires the department, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

~~This bill would require a school district, charter school, and county office of education~~ *the department* to annually ascertain and ~~report to the department~~ *post on its Internet Web site* the number of pupils in the ~~local educational agency~~ *each school district and school, as specified*, who are, or are at risk of becoming, long-term English learners. ~~By requiring a school district, charter school, and county office of education to collect and report this data, this bill would impose a state-mandated local program.~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313.1 is added to the Education Code,
2 to read:

3 313.1. For purposes of this article, the following terms have
4 the following meanings:

5 (a) “Long-term English learner” means an English learner who
6 is enrolled in any of grades 6 to 12, inclusive, has been
7 ~~continuously or cumulatively~~ enrolled in schools in the United
8 States for more than six years, has remained at the same English
9 language proficiency level for two or more consecutive years as
10 determined by ~~an the English proficiency examination language~~
11 ~~development test identified or developed pursuant to Section 60810,~~
12 ~~or any successor test,~~ and scores far below basic or below basic
13 on the English language arts standards-based ~~academic~~ achievement
14 test ~~administered pursuant to Section 60640, or any successor test.~~

15 (b) “English learner at risk of becoming a long-term English
16 learner” means an English learner who is enrolled in any of grades
17 5 to 11, inclusive, has been continuously or cumulatively enrolled
18 in schools in the United States for four years, scores at the
19 intermediate level or below on the English language development
20 test identified or developed pursuant to Section 60810, *or any*
21 *successor test*, and scores in the fourth year of continuous or
22 cumulative enrollment at the below basic or far below basic level
23 on the English language arts standards-based achievement test
24 administered pursuant to Section 60640, *or any successor test.*

25 SEC. 2. Section 313.2 is added to the Education Code, to read:

26 313.2. The notice to parents required pursuant to Section 7012
27 of Title 20 of the United States Code shall include whether their

1 child is a long-term English learner or at risk of becoming a
2 long-term English learner.

3 SEC. 3. Section 313.3 is added to the Education Code, to read:

4 313.3. (a) ~~A school district, charter school, or county office~~
5 ~~of education~~ *The department* shall annually ascertain the number
6 of pupils in ~~the local educational agency~~ *each school district and*
7 *school, including a school that is within the jurisdiction of a county*
8 *office of education and a charter school*, who are, or are at risk of
9 becoming, long-term English learners, as those terms are defined
10 in Section 313.1.

11 ~~(b) A school district, charter school, or county office of~~
12 ~~education shall annually report to the department the number of~~
13 ~~pupils ascertained pursuant to subdivision (a).~~

14 *(b) The department shall annually post the information described*
15 *in subdivision (a), listed by school and school district, on its*
16 *Internet Web site.*

17 SEC. 4. Section 52059 of the Education Code is amended to
18 read:

19 52059. (a) For purposes of complying with the federal No
20 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a
21 statewide system of school support shall be established by the
22 department to provide a statewide system of intensive and sustained
23 support and technical assistance for school districts, county offices
24 of education, and schools in need of improvement. The system
25 shall consist of regional consortia, district assistance and
26 intervention teams, and other technical assistance providers.

27 (b) The regional consortia shall work collaboratively with, and
28 provide technical assistance to, school districts and schools in need
29 of improvement by doing the following:

30 (1) Reviewing and analyzing all facets of the operation of a
31 local educational agency or school, including the following:

32 (A) The design and operation of the instructional program
33 offered by the local educational agency or school ~~targeting pupils~~
34 ~~not meeting the federal academic targets, including English~~
35 ~~learners, long-term English learners, and those at risk of becoming~~
36 ~~long-term English learners.~~

37 (B) The recruitment, hiring, and retention of principals, teachers,
38 and other staff, including vacancy issues. The regional consortia
39 may request the assistance of the Fiscal Crisis and Management

1 Assistance Team to review school district or school recruitment,
2 hiring, and retention practices.

3 (C) The roles and responsibilities of district and school
4 management personnel.

5 (2) Assisting the local educational agency or school in
6 developing recommendations for improving pupil performance
7 and school operations ~~targeting pupils not meeting the federal~~
8 ~~academic targets, including English learners, long-term English~~
9 ~~learners, and those at risk of becoming long-term English learners.~~

10 (3) Assisting the local educational agency or school in efforts
11 to eliminate misassignments of certificated personnel.

12 *(c) The support and technical assistance provided by the*
13 *regional consortia pursuant to subdivision (b) shall address the*
14 *needs of pupils not meeting federal academic targets, including*
15 *English learners, long-term English learners, and those at risk of*
16 *becoming long-term English learners.*

17 ~~(e)~~

18 (d) For purposes of performing the functions specified in
19 subdivision (b), funds for the regional consortia shall be distributed
20 based on the number of Title I schools, the pupil enrollment in
21 those schools, and the number of school districts in each region
22 that are identified as being in need of improvement pursuant to
23 Section 6316(b) of Title 20 of the United States Code.

24 ~~(d)~~

25 (e) The regional consortia shall ensure that support is provided
26 in the following order of priority:

27 (1) To school districts or county offices of education with
28 schools that are subject to corrective action under Section
29 6316(b)(7) of Title 20 of the United States Code.

30 (2) To school districts or county offices of education with
31 schools that are identified as being in need of improvement
32 pursuant to Section 6316(b) of Title 20 of the United States Code.

33 (3) To provide support and assistance to school districts and
34 county offices of education with schools participating under the
35 federal No Child Left Behind Act of 2001 that need support and
36 assistance to achieve the purposes of that act.

37 (4) To provide support and assistance to other school districts
38 and county offices of education with schools participating in a
39 program carried out under this chapter.

40 ~~(e)~~

(f) In accordance with paragraph (4) of subdivision (d) of Section 52055.57, the Superintendent may recommend, and the state board may approve, that a local educational agency that is identified for corrective action under the federal No Child Left Behind Act of 2001 contract with a district assistance and intervention team or other technical assistance provider to receive technical assistance, including, but not limited to, a needs assessment of the local educational agency.

(1) The Superintendent shall develop, and the state board shall approve, standards and criteria to be applied by a district assistance and intervention team or other technical assistance provider in carrying out its duties. The standards and criteria that a district assistance and intervention team or other technical assistance provider shall use in assessing a local educational agency shall address, at a minimum, all of the following areas:

(A) Governance.

(B) Alignment of curriculum, instruction, and assessments to state standards ~~targeting pupils not meeting the federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners.~~

(C) Fiscal operations.

(D) Parent and community involvement.

(E) Human resources.

(F) Data systems and achievement monitoring.

(G) Professional development.

(2) Not later than 120 days after the assignment of a district assistance and intervention team or other technical assistance provider, or the next regularly scheduled meeting of the state board following the expiration of the 120 days, the team shall complete a report based on the findings from the needs assessment performed pursuant to paragraph (1). The report shall include, at a minimum, recommendations for improving the areas specified in paragraph (1) that are found to need improvement. The report also shall address the manner in which existing resources should be redirected to ensure that the recommendations can be implemented.

(3) Not later than 30 days after completion of the report specified in paragraph (2), the governing board of the local educational agency may submit an appeal to the Superintendent to be exempted from implementing one or more of the recommendations made in the report. The Superintendent, with approval of the state board,

1 may exempt the local educational agency from complying with
2 one or more of the recommendations made in the report.

3 (4) Not later than 60 days after completion of the report, the
4 governing board of the local educational agency at a regularly
5 scheduled meeting shall adopt the report recommendations
6 described in paragraph (2), as modified by any exemptions granted
7 by the Superintendent under paragraph (3).

8 ~~(f)~~

9 (g) A local educational agency that is required to contract with
10 a district assistance and intervention team or other technical
11 assistance provider pursuant to this section shall reserve funding
12 provided under subdivision (d) of Section 52055.57 to cover the
13 entire cost of the team or other technical assistance provider before
14 using that funding for other reform activities.

15 ~~(g)~~

16 (h) Upon an evidence-based finding that a district assistance
17 and intervention team or other technical assistance provider has
18 not fulfilled its legal obligations pursuant to this section, the
19 Superintendent, with the approval of the state board, may remove
20 the district assistance and intervention team or other technical
21 assistance provider from the state list of eligible providers.

22 ~~(h)~~

23 (i) The provisions of this section are declarative of technical
24 assistance requirements under the federal No Child Left Behind
25 Act of 2001 outlined in Section 6316(b) and (c) and Section
26 6317(a) of Title 20 of the United States Code.

27 ~~(i)~~

28 (j) For purposes of this article, all references to schools shall
29 include charter schools.

30 SEC. 5. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.